

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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**WALTER OGROD,**

**Plaintiff,**

**v.**

**CITY OF PHILADELPHIA, et al.**

**Defendants**

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:  
: **CIVIL ACTION**  
: **No. 21-2499**  
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**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2022, upon consideration of Defendant the City of Philadelphia's Motion to Compel for Discovery Default, it is **HEREBY ORDERED** that the Motion is **GRANTED**. Plaintiff Walter Ogrod shall respond to Defendant the City of Philadelphia's Interrogatories and Requests for Production Directed to Plaintiff and produce documents responsive thereto within ten (10) days of the entry of this Order.

**BY THE COURT:**

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John R. Padova, J.

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**DEFENDANT CITY OF PHILADELPHIA'S  
MOTION TO COMPEL FOR DISCOVERY DEFAULT**

Defendant City of Philadelphia hereby moves to compel responses from Plaintiff Walter Ogrod to Defendant City of Philadelphia's First Set of Interrogatories and Requests for Production of Documents Directed to Plaintiff. On July 28, 2022, Defendant City of Philadelphia served the discovery requests on Plaintiff, consisting of Defendant's initial request for written discovery to Plaintiff, who has been litigating the substance of this case with various counsel in his criminal proceedings for over two decades. Pursuant to Federal Rules of Civil Procedure 33(b)(2) and 34(b)(2)(A), Plaintiff's response was due on August 28, 2022. To date, more than ninety days after the discovery requests were due, no response has been received. This case presents complex issues, at least 30,000 pages of records (in Defendant's possession alone), and witnesses to incidents over 30 years ago. Although Defendants anticipated a response would take more than 30 days, it is now well overdue, and Defendant is prejudiced in proceeding with other discovery. The discovery deadline is January 26, 2023, but expert deadlines begin prior to that date.<sup>1</sup>

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<sup>1</sup> As a result, Defendant is contemporaneously filing a motion to extend all case deadlines.

Pursuant to Rule 37(a)(1) and Local Rule 26.1(f), the undersigned certifies that he has attempted to confer with Plaintiff's counsel in good faith to obtain a discovery response without the Court's intervention, and has been unable to resolve the dispute.<sup>2</sup>

Defendant respectfully requests this Court order the response and production of documents, as described in the attached proposed order, or grant such other relief as the Court deems just.

Date: December 9, 2022

Respectfully submitted,

/s/ Andrew F. Pomager  
Andrew F. Pomager  
Div. Deputy City Solicitor  
Pa. Attorney ID No. 324618  
City of Philadelphia Law Department  
1515 Arch Street, 14<sup>th</sup> Floor  
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215-683-5446 (phone)  
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<sup>2</sup> Specifically, the undersigned emailed Plaintiff's counsel on October 31, 2022 and was informed responses would be received that week. Among other assurances that discovery responses were forthcoming, Plaintiff's counsel indicated at depositions the week of November 21<sup>st</sup> that Plaintiff was present in their office and would be signing the responses.

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**CERTIFICATE OF SERVICE**

I hereby certify that on the date below the Defendant City of Philadelphia's Motion to Compel was filed via the Court's electronic filing system and is available for downloading.

Date: December 9, 2022

Respectfully submitted,

/s/ Andrew F. Pomager  
Andrew F. Pomager  
Div. Deputy City Solicitor  
Pa. Attorney ID No. 324618  
City of Philadelphia Law Department  
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